

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Cr. No. 18-CR-2945 WJ
	)	
SIRAJ IBN WAHHAJ,	)	
	)	
Defendant.	)	

**UNITED STATES' MOTION TO STRIKE DEFENDANT SIRAJ IBN WAHHAJ'S *PRO SE* MOTION TO DISMISS INDICTMENT WITH PREJUDICE (DOC. 513) AND HIS *PRO SE* SUPPLEMENT MOTION (DOC. 514)**

The United States respectfully requests that the Court strike Defendant Siraj Ibn Wahhaj's *pro se* filings, specifically "Defendant's Motion to Dismiss Indictment with Prejudice as a Result of Violations of the 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 14<sup>th</sup> Amendments of the Constitution and the Religious Freedom Restoration Act Perpetrated by Law Enforcement Officials" (Doc. 513) (hereinafter "Motion") and "Defendant's Supplement Motion" (Doc. 514) (hereinafter "Supplemental Motion"). In support of this motion, the United States states as follows:

Defendant is presently represented by counsel in this matter, *see* Docs. 80, 200. Pursuant to the Court's local rules, a represented party may not submit *pro se* filings without prior approval of the Court. Specifically, Local Rule 44.2 provides that "[u]nless permitted by the Court, a defendant who is represented by an attorney may not represent him or herself in any way, including filing any document other than a motion for new counsel, a motion seeking to

represent him or herself, or a notice of appeal.” D.N.M.-LR-CR 44.2. Defendant did not obtain prior approval from this Court to submit his *pro se* filing as required by Local Rule 44.2 and has not requested to represent himself.

District courts have discretion as to whether to allow hybrid representation. *See United States v. Couch*, 758 F. App’x 654, 656 (10th Cir. 2018), and this Court has previously stated that it does not permit hybrid representation. *Id.* (“You either represent yourself or you’re represented by counsel.”); *see also* Doc. 479. Defendant is currently represented by two appointed counsel so he should not be permitted to file pleadings on behalf of himself. The Motion and Supplemental Motion (Docs. 513 and 514) that Defendant filed on November 14, 2022, should be stricken.

Undersigned counsel left a voicemail advising Mr. Thomas Clark, one of Defendant’s appointed attorneys, that it intended to file this motion. Given the nature of this motion, it is presumed that Defendant opposes this motion.

WHEREFORE, the United States requests that Defendant Siraj Ibn Wahhaj’s *pro se* filings, specifically “Defendant’s Motion to Dismiss Indictment with Prejudice as a Result of Violations of the 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 14<sup>th</sup> Amendments of the Constitution and the Religious Freedom Restoration Act Perpetrated by Law Enforcement Officials” (Doc. 513) and “Defendant’s Supplement Motion” (Doc. 514) be stricken.

Respectfully submitted,

ALEXANDER M.M. UBALLEZ  
United States Attorney

/s/ Electronically filed  
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I HEREBY CERTIFY that I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel of record for defendant to be served by electronic means.

/s/ **Filed Electronically**  
KIMBERLY A. BRAWLEY  
Assistant U.S. Attorney